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VIA EMAIL, FAX AND U.S. MAIL
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California Office of Planning and Research
P.O. Box 3022
Sacramento, CA 95812-3044

Re: Comments on OPR's Preliminary Draft CEQA Guideline Amendments for
Greenhouse Gas Emissions (released January 8, 2009)

Dear Sir or Madam:

On behalf of the North Coast Rivers Alliance, a conservation organization engaged in education and advocacy to protect California's north coast rivers and their watersheds from environmentally harmful development, resource extraction and land use management, we offer the following comments on the Office of Planning and Research's Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions.

1. The Time Provided for Public Comment is Insufficient.

OPR's decision to provide only 18 days for public review and comment (from the January 8, 2009 release to the comment deadline of January 26) provides a woefully inadequate opportunity for public review and comment. OPR has had over one year to prepare these draft regulations, following the Legislature's adoption of Senate Bill 97, which added Public Resources Code section 21083.085, in 2007 (Chapter 185, Statutes of 2007). The draft regulations amend 14 different sections of the CEQA Guidelines, 15064, 15064.4, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15152, 15183 and 15364.5. The proposed revisions span the full gambit of procedural and substantive requirements for CEQA review, and pose complex technical issues as well as broad questions of public policy. Plainly, additional time should be afforded to the public to review and comment on these potentially ground-breaking (but unfortunately insipid) regulatory revisions.

2. The Draft CEQA Guideline Amendments Should Identify a Threshold For Greenhouse Gas Emissions.

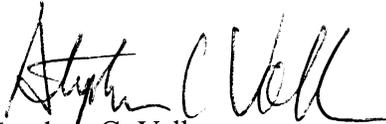
Perhaps the single most significant issue raised by enforcement of AB32 and SB97 in the project review arena is development of thresholds of significance for greenhouse gas emissions. Such thresholds separate the environmental impact “wheat” from the inconsequential “chaff.” Significant environmental impacts – such as those that increase rather than reduce greenhouse gas emissions – are subject to CEQA’s substantive requirement that feasible alternatives and mitigation measures that would reduce those impacts to insignificance *must* be adopted. OPR’s failure to identify thresholds of significance for greenhouse gas emissions represents a lost opportunity of the utmost significance. Absence such guidance, agencies will be far more likely to continue with “business as usual,” ignoring the significant cumulative effects of projects that unnecessarily emit greenhouse gases.

3. The Draft CEQA Guideline Amendments File to Prescribe Methodologies for the Assessment and Mitigation of Greenhouse Gas Emissions.

Quantifying and mitigating greenhouse gas emissions should be the centerpiece of OPR’s draft guideline amendments. As a general rule, both local and state agencies lack the expertise needed to exercise “informed discretion” in determining how best to assess and reduce the greenhouse gas emissions of projects they approve. Consequently, OPR should rethink its decision to forego prescribing appropriate assessment methodologies and specifying mitigation measures that would reduce the cumulatively significant global warming effects of greenhouse gas emissions.

Thank you for considering our comments on this important matter.

Very truly yours,



Stephan C. Volker

Attorney for North Coast Rivers Alliance

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